

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 IO-10 SAJ-01 ACDA-05 CIAE-00 DODE-00

PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01

SP-02 SS-15 USIA-06 CU-02 OES-03 JUSE-00 PPT-01 SCA-01

VO-03 /085 W

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R 091854Z OCT 75

FM AMEMBASSY BONN

TO SECSTATE WASHDC 3533

INFO USMISSION USBERLIN

AMEMBASSY BERLIN

AMEMBASSY PARIS

AMEMBASSY LONDON

AMEMBASSY MOSCOW

USMISSION NATO BRUSSELS

C O N F I D E N T I A L SECTION 01 OF 02 BONN 16650

E.O. 11652: GDS

TAGS: PFOR GW UR WB

SUBJECT: FRG-USSR BILATERALS IN NEW YORK

REF: BONN 15995

SUMMARY. VAN WELL GAVE THE AMBASSADOR A FURTHER AND MORE PRECISE BRIEFING ON THE FRG-USSR BILATERALS IN NEW YORK. END SUMMARY.

1. VAN WELL (FOREIGN OFFICE POLITICAL DIRECTOR) BRIEFED THE AMBASSADOR OCTOBER 9 ON THE FRG-USSR BILATERAL TALKS IN NEW YORK WHICH TOOK PLACE ON THE MARGIN OF UNGA. VAN WELL CONFIRMED OUR EARLIER UNDERSTANDING THAT THE NEGOTIATIONS CENTERED ON THE THREE PENDING AGREEMENTS (LEGAL ASSISTANCE, CULTURAL PROTOCOL AND SCIENTIFIC COOPERATION), SPECIFICALLY ON THE INCLUSION OF BERLIN IN THESE AGREEMENTS.

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2. LEGAL ASSISTANCE. VAN WELL CLAIMED THAT THE SUBSTANCE OF THE AGREEMENT HAS BEEN AGREED UPON. THERE ARE THREE STEPS WHICH HAVE TO BE TAKEN: (A) THE FEDERAL GOVERNMENT MUST DISCUSS THE AGREEMENT WITH THE MINISTRY OF JUSTICE AND LAENDER. VAN WELL EXPECTS THESE DISCUSSIONS TO TAKE PLACE SPEEDILY AND WITHOUT PROBLEMS. (B) THE FRG MUST STUDY THE SOVIET TRANSLATION. VAN WELL SAID THAT THE GERMAN VERSION HAS BEEN AGREED UPON. (C) THE FRG MUST EXAMINE THE TEXT OF THE NOTIFICATION WHICH THE SOVIETS PLAN TO MAKE TO THE THREE POWERS.

3. VAN WELL SAID THAT THE FRG TOLD THE USSR IN NEW YORK THAT IT HAS NO OBJECTION TO USSR INFORMING THE THREE POWERS PROVIDED IT DOES SO ONLY FOR INFORMATION PURPOSES. THE FRG POSITION IS THAT THE USSR, AS A SIGNATORY TO THE QUADRIPARTITE AGREEMENT, CAN DO THIS TO THE OTHER SIGNATORIES. HOWEVER, THE FRG DID OBJECT STRONGLY TO THE OTHER EASTERN EUROPEAN NATIONS ALSO INFORMING THE THREE POWERS SINCE THAT WOULD IMPLY THAT THE THREE POWERS HAVE A ROLE TO PLAY IN THIS MATTER. THE SOVIETS HAD REPLIED THAT THEY WOULD NOTIFY ALL COUNTRIES WHICH HAVE REPRESENTATION (MILITARY MISSIONS OR CONSULTATES) IN BERLIN. HOWEVER, GROMYKO BACKTRACKED ON THIS POINT WHEN VAN WELL OBJECTED STRONGLY. GROMYKO SAID THAT THE USSR WOULD INFORM ONLY ITS SOCIALIST FRIENDS. VAN WELL ACCEPTED THIS STEP BUT SAID THAT THE FRG WILL ALSO INFORM THESE COUNTRIES.

4. VAN WELL ADDED THAT THE TEXT OF THE SOVIET NOTIFICATION TO THE THREE POWERS HAS NOT YET BEEN WRITTEN. OF COURSE, THE FRG CANNOT TAKE A FINAL POSITION ON THIS DOCUMENT UNTIL IT SEES IT.

5. VAN WELL TOLD THE AMBASSADOR THAT THERE HAD BEEN AGREEMENT ON THE FOLLOWING SCENARIO. UPON SIGNATURE OF THE AGREEMENT, GEHLHOFF AND FALIN WOULD FORMALLY EXCHANGE IDENTICAL ORAL STATEMENTS TO THE EFFECT THAT THE LEGAL ASSISTANCE AGREEMENT WILL PROVIDE FOR TRANSMITTAL OF REQUESTS DIRECTLY BETWEEN LAENDER
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MINISTRIES OF JUSTICE AND MINISTRIES OF JUSTICE OF SOVIET REPUBLICS. ON THE SAME OCCASION, FALIN WILL MAKE A UNILATERAL STATEMENT TO THE EFFECT THAT THE USSR HAS AGREED THAT SIMILAR EXCHANGES CAN TAKE PLACE BETWEEN BERLIN AND THE MINISTRIES OF JUSTICE IN THE SOVIET REPUBLICS. THE FRG HAS AGREED TO THIS STATEMENT. GEHLHOFF WILL MAKE A STATEMENT THAT THE FRG AND USSR HAVE AGREED THAT THE ARRANGEMENTS WILL GO INTO FORCE

IMMEDIATELY AND THAT NO FURTHER COMMUNICATIONS ARE
NEEDED. FALIN WILL REPLY THAT THE SOVIET POSITION HAS
BEEN MADE CLEAR IN THE NEGOTIATIONS.

6. CULTURAL PROTOCOL. VAN WELL CONFIRMED INFORMATION
IN REFTEL THAT THERE ARE SOME SUBSTANTIVE POINTS LEFT
OPEN. SCHOEDEL WILL NEGOTIATE THESE IN MOSCOW PROMPTLY.
AS FOR BERLIN, THERE ARE LISTED IN THE PROTOCOL THREE

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C O N F I D E N T I A L SECTION 02 OF 02 BONN 16650

SPECIFIC BERLIN PROJECTS. IT IS ALSO SPECIFIED THAT
THE AREA OF APPLICATION FOR THE PROTOCOL IS THE SAME
AS THE AREA IN THE CULTURAL AGREEMENT, WHICH INCLUDES
A BERLIN CLAUSE. THE ONLY DIFFICULTY IN THE
NEGOTIATIONS IN NEW YORK CONCERNED SOVIET DESIRE FOR A
REFERENCE TO DIRECT CONTACTS WITH WEST BERLIN OUTSIDE

OF THE LIMITS OF THE PROTOCOL. THE FRG RESPONDED BY SAYING THAT SUCH CONTACTS WERE POSSIBLE AND NO REFERENCE NEEDED TO BE MADE TO THEM. THIS POINT WAS RESOLVED BY AGREEING THAT THE SOVIETS WILL MAKE AN ORAL STATEMENT UPON INITIALING, USING THE SAME WORDING AS IN THE PROTOCOL, TO THE EFFECT THAT DIRECT CONTACTS WITH BERLIN WILL CONTINUE AS THEY HAVE IN THE PAST. THE FRG WILL REPLY THAT THE SOVIET STATEMENT CORRESPONDS TO THE AGREEMENT. NOTHING WILL BE EXCHANGED IN WRITING.

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7. SCIENTIFIC TECHNICAL COOPERATION. THE SOVIETS TOLD THE FRG THAT THEY ARE NOT ABLE TO COOPERATE WITH FEDERAL INSTITUTIONS LOCATED IN BERLIN AND OFFICIALS OF THESE INSTITUTIONS AS SUCH, BUT ADDED THAT NO PERSON IN WEST BERLIN WILL BE EXCLUDED AUTOMATICALLY FROM THE AGREEMENT EITHER BECAUSE HE LIVES IN BERLIN OR BECAUSE OF HIS OCCUPATION. THE SOVIETS ADDED THAT THE RECEIVING STATE WILL, OF COURSE, RETAIN THE FINAL AUTHORITY ON INDIVIDUALS IT WILL ACCEPT. THE SOVIETS CHARACTERIZED THIS STATEMENT (THEIR THIRD) AS A GREAT CONCESSION SINCE THEY HAD DROPPED THEIR OBJECTIONS TO PRESIDENTS AND VICE PRESIDENTS OF FEDERAL INSTITUTIONS IN BERLIN AND BUNDESTAG REPRESENTATIVES AS PERSONS.

8. VAN WELL SAID THAT THE FRG TOOK NOTE OF THE SOVIET STATEMENT AND ASKED THE FOLLOWING QUESTIONS: WHAT DID THE SOVIETS MEAN BY FEDERAL INSTITUTIONS? FOLLOWING A LONG DISCUSSION THE FRG GAVE THE SOVIETS A LIST OF FEDERAL INSTITUTIONS LOCATED IN BERLIN AND ASKED THE SOVIETS TO INDICATE WHICH THEY OBJECTED TO FROM THE VIEWPOINT OF THIS AGREEMENT. THE FRG IS AWAITING THE SOVIET REPLY. CAN THE OFFICIALS OF FEDERAL INSTITUTIONS LOCATED IN BERLIN TRAVEL ON OFFICIAL PASSPORTS? SHOULD THEY EXPECT DIFFICULTIES IF THEY ARE IDENTIFIED OR KNOWN AS FEDERAL OFFICIALS? CAN THE SENDING STATE DETERMINE WHO IS QUALIFIED TO BE AN EXPERT, AS IS USUAL? WHILE THE FRG ACKNOWLEDGES THAT THE RECEIVING STATE RETAINS THE RIGHT TO DETERMINE TO WHOM IT WILL GIVE A VISA, IT WOULD BE DISCRIMINATORY IF THIS FACT WERE INCLUDED IN THE SOVIET STATEMENT.

9. VAN WELL SAID THAT THE SOVIETS WERE DISAPPOINTED WITH THE FRG POSITION. THEY WILL STUDY IT AND TALKS WILL CONTINUE ON THE EXPERT LEVEL DURING SCHEEL'S VISIT TO THE SOVIET UNION.

10. VAN WELL SAID THAT HE IS PESSIMISTIC ABOUT MAKING RAPID PROGRESS ON THE SCIENTIFIC TECHNICAL COOPERATION

AGREEMENT. THIS AGREEMENT HAS BECOME THE FOCAL POINT
ON DEFINING SOVIET POLICY ON FEDERAL INSTITUTIONS IN
BERLIN. IT IS HOLDING UP SIMILAR
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AGREEMENTS WITH SEVERAL EASTERN EUROPEAN COUNTRIES, WHICH
DESIRE THEM STRONGLY. VAN WELL SAID THE FRG IS
DETERMINED TO PROCEED VERY CAREFULLY. ONE ADDITIONAL
DIFFICULTY WHICH HAS NOT EVEN COME UP FOR DISCUSSION
WITH THE SOVIETS IS THE EFFECT THAT THIS AGREEMENT WOULD
HAVE ON FRG (INCLUDING BERLIN) REPRESENTATION IN MANY
INTERNATIONAL ORGANIZATIONS, SINCE SUCH REPRESENTATION
IS OFTEN ON THE EXPERT LEVEL.
HILLENBRAND

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